HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 2548 OF 2006

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Between:

P.Chandrasekhar Reddy

… Petitioner

And

The Secretary, Regional Transport

Authority, Kadapa, Kadapa District

and another.

… Respondents.

ORAL ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader.

This writ petition has been filed questioning the seizure of the petitioner's Heavy

Goods Vehicle bearing No.KA-35-6939 as illegal, arbitrary and unjust and for a consequential direction to the respondents herein to release the said vehicle to the petitioner.

A perusal of the vehicle check report under which the subject vehicle was seized indicates violation of the provisions of the Motor Vehicles Act and A.P. Motor Vehicles Taxation Act.

The learned counsel for the petitioner submits that though the subject vehicle is registered in the State of Karnataka, but, the petitioner had obtained temporary permit by paying the requisite tax and there is no contravention of the Act or the Rules.

Having regard to the nature of allegations, the matter requires to be enquired into by the competent authority as to the violations, and, the quantum of penalty to be levied upon the petitioner for the alleged violations, or otherwise, has to be arrived at in the said enquiry. However, as the vehicle will be subjected to the vagaries of nature, the same can be released pending enquiry by the competent authority.

In view of the above, the writ petition is disposed of directing the respondents to release the seized vehicle i.e. Heavy Goods Vehicle bearing No.KA-35-6939 on deposit of the amount of Rs.10,000/- by the petitioner with the first respondent and on furnishing an undertaking by the petitioner that the vehicle in question shall not be sold or transferred pending the enquiry to be conducted by the authorities concerned. The payment of the amount of Rs.10,000/- pursuant to this order shall be subject to the outcome of the enquiry and passing of the final order by the competent authority.

10.2.2006. **(R.SUBHASH REDDY, J.)**

VR.

Note:

Furnish cc today.

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